

SEVENTY-FIRST DAY
(Wednesday, May 9, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

A quorum was announced present.

Dr. William C. Howland, University Christian Church, Austin, Texas, offered the invocation as follows:

O Father, grant that for us this moment of prayer may be more than a mere ritual. Allow this to be one of those rare moments of quiet during this day in which we pause to reflect upon who we are and what we have been created to do and become. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Wallace submitted the following reports for the Committee on Intergovernmental Relations:

H.B. 1135 (Amended)
H.B. 1558
H.B. 809
H.B. 1231
H.B. 1232
H.B. 1158 (Amended)
C.S.H.B. 1481 (Read first time)
S.C.R. 90
C.S.S.B. 726 (Read first time)
S.B. 915
S.B. 962
C.S.S.B. 942 (Read first time)
S.B. 381

Senator Mauzy submitted the following reports for the Committee on Education:

S.B. 929 (Amended)
S.B. 965
S.B. 956

Nominations of Judson W. Robinson to Board of Regents of Texas Southern University; Mrs. George P. Cullum to Board of Regents of Stephen F. Austin University; Ernest Powers to Board of Regents of Stephen F. Austin University; Frank Douthitt, to Board of Regents of Midwestern University.

Senator Herring submitted the following reports for the Committee on Jurisprudence:

S.B. 913
C.S.S.B. 767 (Read first time)
S.C.R. 76
S.B. 424 (Amended)
S.B. 417 (Amended)
C.S.S.B. 34 (Read first time)

**COMMITTEE SUBSTITUTE SENATE BILL 34
ORDERED NOT PRINTED**

On motion of Senator Herring and by unanimous consent, C.S.S.B. 34 was ordered not printed.

MESSAGE FROM GOVERNOR

The following Message from the Governor was read and filed with the Secretary of the Senate:

Austin, Texas
May 9, 1973

**TO THE MEMBERS OF THE SENATE, SIXTY-THIRD LEGISLATURE,
REGULAR SESSION:**

Today I am returning to the Senate in accordance with the request expressed in S.C.R. 99 Senate Bill 642 for further consideration.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

**VOTE BY WHICH SENATE CONCURRED IN HOUSE
AMENDMENTS TO SENATE BILL 642 RECONSIDERED**

On motion of Senator Wallace and by unanimous consent, the vote by which the Senate concurred in House amendments to S.B. 642 was reconsidered.

Question, Shall the Senate concur in House amendments to S.B. 642?

Senator Wallace moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Wallace, Clower, Adams, Andujar and Meier.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 9, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 99, Requesting return of Senate Bill 642 from the Governor for further consideration.

H.J.R. 6, Proposing an amendment to Article III, Section 49-B, of the Texas Constitution, as amended, to provide for an additional \$100 million in bonds or obligations of the State of Texas for the Veterans' Land Fund.

H.B. 64, A bill to be entitled An Act relating to a competitive rating system for motor vehicle or automobile insurance, fire insurance, and allied lines; providing for construction of and the purposes of Subchapter I of the Insurance Code; providing definitions of certain terms used in Subchapter I of the Insurance Code; providing the scope of Subchapter I of the Insurance Code; requiring the State Board of Insurance to promulgate reasonable rules and statistical plans for gathering information from insurers and allowing the board to use rate service organizations; authorizing interchange of loss experience necessary for the application of rating plans; authorizing exchange of information and experience data with other states; authorizing consultation with other states on certain matters; providing standards for rates adopted under Subchapter I of the Insurance Code; providing rating methods to be used in determining if rates comply with rate standards; requiring the filing of rates; providing that rate filings are open to inspection; providing for board approval of a new rate or an amendment for 90 days after a rate or rate change is filed; authorizing an insurer to make and file its own rates or have it done by a rate service organization as defined in this Act; providing procedures and remedies to handle cases of noncompliance with Subchapter I of the Insurance Code; authorizing the board to require specific insurers to abide by certain filing procedures; providing for notice, hearing, and appeal on grievances; placing restrictions on agreements by insurers; providing for standard average rates; providing a money penalty in lieu of suspension or cancellation of a license or certificate of authority; relating to revising rates; providing that the Act will take effect on September 1, 1973; adding Subchapter I to Chapter 5, Insurance Code; amending Articles 1.04, 5.01 as amended, 5.03 as amended, 5.25, and 5.34, Insurance Code; repealing Article 5.26 of the Insurance Code and other laws in conflict to the extent of the conflict; providing for severability; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

**CONFERENCE COMMITTEE REPORT
ON HOUSE BILL 115**

Senator Herring submitted the following Conference Committee Report:

Austin, Texas
May 8, 1973

The Honorable William P. Hobby, Jr.
President of the Senate
The Honorable Price Daniel, Jr.
Speaker of the House of Representatives

Sirs:

We, your Conference Committee appointed to adjust the differences between the House and Senate on H.B. 115 have met and adjusted our differences and beg leave to recommend that it be passed in the form attached hereto.

Respectfully submitted,

COLE
POWERS
NUGENT
LARY

On the part of the House

HERRING
MEIER
CREIGHTON
McKNIGHT
SANTIESTEBAN

On the part of the Senate

The Conference Committee Report was read and was adopted by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent: Moore.

HOUSE BILL AND RESOLUTION ON FIRST READING

The following bill and resolution received from the House, were read the first time and referred to the Committee indicated:

H.J.R. 6, To Committee on State Affairs.

H.B. 64, To Committee on Economic Development.

MINORITY REPORT ON HOUSE BILL 70

We, the following members of the Economic Development Committee, do hereby give notice under Senate Rule 109 of a favorable minority report for House Bill 70 and within the required ten days a motion will be made to substitute this minority report for the majority report. We were present at the committee hearing and voted on the minority side.

HARRINGTON
GAMMAGE

Senator Creighton raised the Point of Order that a Minority Report on H.B. 70 was not in order because a majority of the Economic Development Committee voted to kill the bill.

The President sustained the Point of Order, stating:

"The chair rules that pursuant to S.R. 109, a Minority Report is in order only when a bill or resolution has failed to receive a majority vote of the committee to which it was referred. Under the provisions of this rule, a Minority Report is not in order for a bill which received a majority unfavorable vote in committee."

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and filed with the Secretary of the Senate:

Austin, Texas
April 30, 1973

The Honorable Mike McKinnon
State Senator
Capitol Station
Austin, Texas

Dear Senator McKinnon:

In response to a request I made for an Attorney General's opinion, I have been informed by General Hill that Mr. Judson Robinson, Jr. of Houston, Harris County, Texas may not be appointed a member of the Texas Board of Corrections without forfeiting his position as an elected member of the City Council of Houston, Texas.

Consequently, due to a joint decision of Mr. Robinson and myself, I must regretfully ask that Mr. Robinson's nomination to the Board of Corrections be withdrawn from further consideration at this time.

Thank you very much for your prompt attention to this matter.

Sincerely,
DOLPH BRISCOE
Governor of Texas

COMMUNICATION TO THE GOVERNOR

The following Communication to the Governor was read:

Austin, Texas
May 9, 1973

The Honorable Dolph Briscoe
Governor of Texas
State Capitol Building
Austin, Texas 78711

Dear Governor Briscoe:

As requested in your letter of April 30, 1973, the Senate Sub-Committee on Nominations of the 63rd Legislature, Regular Session, is hereby returning the appointment of Mr. Judson Robinson, Jr., of Houston, Harris County, Texas, as a member of the Texas Board of Corrections.

Cordially,
MICHAEL D. MCKINNON, Chairman
Senate Sub-Committee on
Nominations

HOUSE BILL 403 ON SECOND READING

On motion of Senator Adams and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 403, A bill to be entitled, An Act relating to the transfer of certain persons convicted of a felony to the Texas Department of Corrections pending appeal of their convictions; amending Article 42.03 as amended, and Article 42.09, Code of Criminal Procedure, 1965; and declaring an emergency.

The bill was read second time and was passed to third reading.

RECORD OF VOTE

Senator Moore asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 403 ON THIRD READING

Senator Adams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 403 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Brackklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

BILLS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills:

S.B. 633
S.B. 264

NOTICE OF EXECUTIVE SESSION

Senator McKinnon gave notice that he would move for an Executive Session of the Senate at 11:30 o'clock a.m. tomorrow.

REPORTS OF STANDING COMMITTEE

By unanimous consent, Senator Hightower submitted the following reports for the Committee on Administration:

S.C.R. 87
H.B. 1548
H.B. 1581
H.B. 1571
H.C.R. 113
S.R. 700
H.B. 1585
C.S.S.R. 138 (Read first time)
S.J.R. 35

**COMMITTEE SUBSTITUTE HOUSE BILL 1087
ON SECOND READING**

The President laid before the Senate on its second reading and passage to third reading:

C.S.H.B. 1087, A bill to be entitled An Act relating to the assessment and collection of taxes by certain school districts; amending Section 20.03,

Texas Education Code; repealing all general and special laws in conflict; containing a severability clause; and declaring an emergency.

The bill was read second time.

Senator Ogg offered the following amendment to the bill:

Amend the Committee Substitute for H.B. 1087 by renumbering Sections 2-4 as Sections 3-5 and inserting a new Section 2 to read as follows:

"Sec. 2. The provisions of this Act do not apply to any school district not subject to the provisions of Section 20.03, Texas Education Code, before the effective date of this Act unless and until an election is held in the district at which the ballots are printed to provide for voting for or against the proposition, 'Authorizing the board of trustees of the school district to determine the assessed value of taxable property in the district,' and a majority of the qualified electors of the district voting in the election cast affirmative votes on the proposition."

OGG
MENGDEN

The amendment was read.

Senator Santiesteban moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table was lost by the following vote: Yeas 8, Nays 22.

Yeas: Adams, Clower, Gammage, Kothmann, Mauzy, McKnight, Santiesteban and Schwartz.

Nays: Aikin, Andujar, Braecklein, Brooks, Creighton, Harrington, Harris, Herring, Hightower, Jones, Longoria, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent: Blanchard.

Question recurring on the adoption of the amendment, the amendment was adopted.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 1087 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 1087 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Jones.

Absent: Blanchard.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

SENATE JOINT RESOLUTION 37 ON THIRD READING

Senator Harrington asked unanimous consent to suspend the regular order of business and take up S.J.R. 37 for consideration at this time.

There was objection.

Senator Harrington then moved to suspend the regular order of business and take up S.J.R. 37 for consideration at this time.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Gammage, Harrington, Hightower, Kothmann, Longoria, Mauzy, McKinnon, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Andujar, Blanchard, Creighton, Harris, Herring, Jones, McKnight, Mengden, Moore and Snelson.

The President laid before the Senate on its third reading and final passage:

S.J.R. 37, Proposing an amendment to Article VI, Section 2, of the Texas Constitution, to revise provisions on age and residence requirements for voting in conformity with mandates of the Constitution of the United States; to eliminate the requirement for annual registration; and to add a requirement for renewal of registration at intervals not exceeding four years.

The resolution was read third time and was passed by the following vote: Yeas 21, Nays 10.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Gammage, Harrington, Hightower, Kothmann, Longoria, Mauzy, McKinnon, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Andujar, Blanchard, Creighton, Harris, Herring, Jones, McKnight, Mengden, Moore and Snelson.

NOTICES OF INTENT

The following Notices of Intent were read and filed with the Secretary of the Senate:

Thursday, May 10, 1973

H.C.R. 44 - Senator Meier
 H.B. 80 - Senator Wallace
 H.B. 81 - Senator Wallace
 H.B. 130 - Senator Sherman
 H.B. 166 - Senator Wallace (Conference Committee Report)
 H.B. 167 - Senator Longoria
 H.B. 181 - Senator Patman
 H.B. 285 - Senator Moore
 H.B. 316 - Senator Gammage
 C.S.H.B. 339 - Senator Brooks
 H.B. 370 - Senator Mauzy
 C.S.H.B. 371 - Senator Mauzy
 C.S.H.B. 433 - Senator Harris
 H.B. 441 - Senator Mauzy
 H.B. 460 - Senator Santiesteban
 H.B. 569 - Senator Ogg
 H.B. 596 - Senator Snelson
 H.B. 628 - Senator Traeger
 C.S.S.R. 138 - Senator Adams
 S.J.R. 35 - Senator Adams
 S.B. 86 - Senator Brooks
 S.B. 164 - Senator Adams
 S.B. 506 - Senator Braecklein
 S.B. 558 - Senator Brooks
 C.S.S.B. 637 - Senator Traeger
 S.B. 688 - Senator Adams
 S.B. 694 - Senator Mengden
 S.B. 729 - Senator Santiesteban
 S.B. 772 - Senator Ogg
 S.B. 801 - Senator Snelson
 C.S.S.B. 847 - Senator Herring
 S.B. 901 - Senator Sherman
 C.S.S.B. 904 - Senator Moore
 S.B. 931 - Senator Traeger

Friday, May 11, 1973

S.B. 53 - Senator Mauzy
 S.B. 594 - Senator Mauzy
 C.S.S.B. 712 - Senator Mauzy
 S.B. 852 - Senator Mauzy

MEMORIAL RESOLUTION

S.R. 730 - By Senator Herring: Memorial resolution for Mortimer "Bud" Sprague.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 100 - By Senator Santiesteban: Extending congratulations to City of El Paso on Centennial Anniversary.

S.R. 728 - By Senator Wolff: Extending congratulations to Ronald Joseph Herrmann.

S.R. 729 - By Senator Wallace: Extending congratulations to Terry Burge.

S.R. 731 - By Senator Herring: Extending welcome to John Hardesty.

S.R. 732 - By Senator Kothmann: Commending Greater San Antonio Builders Association.

S.R. 733 - By Senator Schwartz: Extending welcome to Keith Douglas.

S.R. 734 - By Senator Moore: Extending appreciation to John W. Hancock and J. Bruce Hancock.

S.R. 735 - By Senator Clower: Extending welcome to Mrs. Robert L. Bryant.

S.R. 736 - By Senator Herring: Urging University of Texas Board of Regents to take necessary steps to provide a Faculty Center.

RECESS

On motion of Senator Aikin the Senate at 12:14 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

May 9, 1973

S.B. 264

S.B. 633

SEVENTY-FIRST DAY

(Continued)

(Thursday, May 10, 1973)

After Recess

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Hightower.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Hightower in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bill Calendar in accordance with the provisions of S.R. 291.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

S.B. 291 (Mauzy) (31-0) (31-0)

C.S.S.B. 369 (Gammage) (31-0) (31-0)